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The Real Meaning of The Attack on Javits

When the Javits affair began, it seemed only to be a question of some scurrilous reports being spread by Jules Sourwine in Nevada about New York State's Attorney General. Sourwine had been counsel to the Senate Internal Security Committee and it was assumed that he was using vague bits and pieces from the files to get himself some publicity in his unsuccessful campaign for the Democratic Senate nomination. When the Javits hearing opened before the Committee in Washington last week, both the chairman, Senator Eastland, and the present counsel, Robert Morris, were careful to note that it was being held at the request of the State Attorney General himself. The impression created was that General Javits was merely using the Committee as a natural forum in which to rebut charges of subversive association. These were threatening his chances for the Republican Senatorial nomination in New York.

But a little noticed remark by Morris near the end of the hearing, and several facts which came out afterward, indicate that we may be seeing a more serious development. Morris said this hearing was part of an investigation into the infiltration of political parties. Either Morris, who himself has political ambitions in New York, was using this to cover up an isolated incursion into the affairs of one party in one State, or the Committee was seriously extending its activities. The Internal Security Committee has had a whole series of investigations labelled inquiries into "infiltration"—a hobgoblin word which fits into the dramaturgy of the witch hunt. It has had hearings labelled variously as investigations of "infiltration" into government, the schools and the press. But so far as could be learned in talking to other newspapermen, no one here had ever heard before of an investigation into the infiltration of political parties.

The "Ex's" Were Activated

The remark by Morris clarified something which was becoming evident as the hearing proceeded. It was soon apparent from the questions put by Morris that the Committee had been actively investigating General Javits. Its whole stable of "ex's" seemed to have been activated. Dr. Bella Dodd and Max Yergan had been questioned about him in executive sessions. A web of associations had been woven from the files. Morris had also questioned old associates of General Javits in the Liberal party, most important of all, Murray Baron, its chairman in New York County. After the hearing it was learned that the Committee had not only been investigating General Javits but had summed up its preliminary impressions in a letter sent to Attorney General Brownell July 23 but as yet unanswered. The letter had asked for a full Department of Justice investigation. Finally Senator Jenner, discreetly absent from the hearing, told the press afterward that he thought "the case" should be kept "open" in order to "resolve conflicts of testimony."

Picking Up Where McCarthy Left Off

But keeping "the case" open may be enough to block Javits from being nominated for the Senate by the Republican State Convention which opens this week in Albany. We are witnessing the appearance of a new political technique. The Senate Internal Security Committee, dominated by a coalition of rightist Democrats and rightist Republicans, is in a position by such tactics to intervene effectively in party primaries and general elections. It need only weave together some kind of "allegations" and ask for more extended inquiry on the eve of nominations and elections to affect the result seriously. This could be a device for purging both parties of whatever liberal elements are left in them. General Javits is not the first target in the Republican party; Senator Case in New Jersey was the victim of a similar attack two years ago through his sister who was "confused" with a supposed Communist party member of the same name. The difference is that such attacks can be made more effective by using a supposed investigation into the "infiltration" of political parties as their vehicle. The use of the committee amplifies and dignifies what would otherwise be dismissed as the usual campaign stuff; a canard can be dressed up as a serious police investigation—current style—into dangerous associations and thoughts.

It is more important to take a good hard look at the full implications of what the Eastland Committee is doing than to run around feverishly in the usual way to dig up proof of General Javits's anti-Communism. The most striking that he produced for himself after the hearing was a letter of commendation from Congressman Judd, Chiang Kai-shek's most faithful friend in Congress, saying that if the Communists did help elect Javits they certainly made a "bad bargain." But to proceed in this way is to play into the Committee's hands. It is to seek "clearance" as one seeks clearance for government employment, a job in a defense plant, or a passport. It is to concede that the Committee has the right to act as a censor of politics, to determine who may or may not safely be allowed to run for public office. This is the direction in which the Eastland committee is moving. Candidates are not to be judged on their record by the voters themselves, but must first pass the muster of the Committee. What McCarthy was trying to do toward the last is what Eastland and Jenner are now attempting—to make their committee a kind of fourth branch of government with power to pass on Congress itself. If a Committee may investigate the "infiltration" of both political parties, it may intervene not only in elections but into crucial debates over major legislation. It can investigate whether a

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The White House Helps The State Dept. Clarify That Ban on Reporters to China

At his last press conference, Mr. Eisenhower was asked why he approved the State Department's action in prohibiting U.S. reporters from visiting Communist China. We give his answer in full, since any paraphrase would open us to the charge of caricature. "Yet, I can tell you," the President replied. "No one in the world would rather send American newspapers (sic), everybody here that wanted to go, to China, than I would. I believe in the exchange of information, exchange of visitors of all kinds and, particularly, representatives of publicity media."

So far the answer was clear. It restated a point of view Mr. Eisenhower has several times expressed. From that point on, however, the reply became complicated. "But," the President went on, "for over a year we have the spectacle of the Communist Chinese holding a group of our prisoners as sort of hostages, and then they want, with the—by holding them, to get us to make some other move that apparently is to be interpreted as meaning we have accepted that, and we are not going to be protesting it. And as long as those men are kept as sort of hostages for an advance in our relationship with the Chinese, I simply can't go along with it." This is exact, verbatim, cross-our-heart text.

We have puzzled over this reply for a long time. We have a friend who has studied the Chinese classics, and has often talked to us of their difficulty. One and the same character, depending on its relation to the rest of a phrase, may—as we dimly understand it—mean something like "metaphysical", "very nicely done" or "young maiden under a full moon." This gives us hope that when Peking has finished translating this ingeniously worded reply into Chinese characters, Eisenhower will prove no more puzzling than Confucius.

How Intelligent Is Central Intelligence?

Adlai Stevenson said he would welcome an offer by President Eisenhower to share with him secret intelligence reports on foreign affairs. The White House replied that it was ready to supply him with copies of the weekly report by Central Intelligence Agency. "Presumably," the *New York Times* explained, "the aim is to avoid risking harm to the national security through bitter partisan debate of delicate foreign policy questions that Mr. Stevenson would wish to keep out of the campaign if fully informed." The implication is that anyone seeing the CIA reports will know what is *really* going on.

Since we have never read a CIA report, we have no way of judging, but we wonder. In the September 6 issue of *The Reporter*, a correspondent for Egyptian papers at the United Nations has some revelations to make that cast doubt on the Administration's intelligence apparatus. Simon Malley points out for example that the scheme to nationalize the Suez Canal Company dates back to October, 1954, when Nasser created a commission to study the various problems anticipated when the company's lease expired in 1968. "Few questioned the strange fact," Malley writes, "that the commission was created fourteen years before the concession was to expire." Where was Central Intelligence?

Malley also discloses that in 1955 the Egyptian Embassy in Washington formally sounded out the State Department on the possibility of hiring American pilots for the Suez. "Surprised at such a premature move," Malley says, "the State Department queried the Embassy, which answered that the aim was to prepare for 1968." Again Central Intelligence and simple intelligence went on sleeping at the switch.

We fear that the principal result of letting Adlai Stevenson see CIA reports on a confidential basis will be to keep him from speaking out on the weaknesses of our intelligence in the Suez crisis. Why was the State Department so surprised by Nasser's action, and so unprepared to cope with it? Would Secretary Dulles have rejected the Aswan dam proposal quite so tactlessly if he had known Nasser had already been preparing for two years to take over the canal company if necessary? What is the good of all that high cost, hush hush, super duper gumshoe operation at CIA if it failed to notice what was happening in Egypt? The possibility CIA overlooked was considered in banking circles and discussed in *Barron's* financial magazine earlier this year. The least CIA Chief Allen Dulles could have done was to send out an operative to buy a copy of *Barron's* and slip it quietly to his brother John Foster.

We suspect Adlai Stevenson could brief himself just as well by reading the newspapers at breakfast.

Our Ambassador? Or Nasser's?

This brings us to one of those "delicate foreign policy questions" on which we believe Stevenson ought to leave himself a free hand. In his "Liberation Day" address of July 26, Nasser revealed that the American Ambassador in Cairo told him in advance he could safely ignore a note he was to receive from the State Department protesting the Soviet arms deal. The *Washington Post* on July 31 took note of this passage and called for investigation by the State Department.

According to the monitored translation of Nasser's address as made available at the Department, Nasser referred only to a "high American official." Malley in his *Reporter* article reproduces photostatically a portion of the Arabic text as supplied by the Egyptian Foreign Ministry in Cairo. And this says "American Ambassador." The Ambassador referred to is Henry Byroade.

The State Department is anxious to cover up the incident. The whole story of how it was gulled by Nasser, and the reports that American diplomats helped him take power from Naguib, need to be aired. The Democrats ought not to allow the Department to choke Stevenson off with the American equivalent of the old school tie.

Here again we fear the moral commitments which may be established by letting Stevenson see the CIA reports.

One Sane Voice

". . . The American people may never know the precise circumstances under which a Navy patrol plane was attacked in midnight darkness near the Communist held Chinese coastal islands north of Formosa. . . . The Nationalists use American-built aircraft, and markings would be difficult to distinguish at night.

"If the plane did indeed violate Red territory before it was attacked over the open sea, there is little ground for a protest. If this country is not making some effort at photo reconnaissance of the important Communist airfields in this area, it would be surprising. . . . Peiping's policy in the past 18 months has been to relax, not increase, tensions in the Formosa area. A deliberate and unprovoked attack on an American plane does not fit into the pattern."

—Wash. Post Editorial, "Cold War Casualty" Aug. 24

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Why The State Dept. Preferred to Back Down Again In A Passport Fight

The State Department has again demonstrated that in a showdown it would rather grant a man a passport than give him a real hearing. In the case of Leonard Boudin, as in the earlier cases of Dr. Otto Nathan and Dr. Clark Foreman, the Department has caved in and issued a passport when it seemed no longer possible to evade a court order to hold a quasi judicial hearing.

The surrender is particularly striking in Boudin's case because it followed a judicial hint to the Department that few seem to have noticed. This is what we have in mind: The original opinion by Judge Youngdahl in Boudin's suit against the Secretary of State held that a passport could not be denied on the basis of evidence undisclosed to the applicant.

But when the Court of Appeals upheld the Youngdahl ruling, it opened ample loopholes for the use of undisclosed evidence. Judge Washington said "in the present posture of the case" the court had not yet reached the question of whether the Secretary of State could rely "on confidential information." The court said that since this question might arise later it was requesting the Secretary of State if he refused a passport after a hearing to state whether he was in whole or part acting on undisclosed evidence.

Some Loopholes Appear

In that event, Judge Washington went on, the Secretary "should explain with such particularity as in his judgment the circumstances permit the nature of the reasons why such information may not be disclosed." A footnote added, "If considerations of internal security rather than of the conduct of foreign affairs are involved, we think the Secretary should so state." The District Court was then instructed to consider "whether the Secretary has given reasons valid in law for keeping confidential any information."

The Appeals court reasoning was a disappointment. It opened the possibility that confidential evidence might be allowed in passport cases. Why, then, did not the Department give Boudin a hearing and risk a new appeal? The answer is that from the Department's point of view this would mean (1) more public attention to its star chamber methods, (2) submission to the scrutiny of the courts, and (3) the possibility that its excuses for not disclosing allegations to the accused might be held unsatisfactory even by a court prepared in some cases to allow such procedure.

First the Department fell back on its favorite tactic—it stalled. Boudin's lawyer, Harry I. Rand, finally obtained from Judge Matthews in Federal District Court an order requiring the Department to appear on August 30 and report on the status of the case, whether Judge Youngdahl's order for a hearing was being obeyed, whether a hearing had been scheduled. On August 29, the day before the Department was to appear before Judge Matthews, an unrestricted passport was issued to Boudin, ending a two year running battle with the Department.

Question: If there was a substantial reason of national policy for denying the passport, and a substantial reason of policy for not fully disclosing the basis for the denial, why didn't the Department accept the invitation of the Court of Appeals to state those reasons?

Does it fear to let the courts see that it is operating in passport cases not for serious reasons of national policy but on the basis of the same kind of unevaluated rubbish which makes headlines for the House Un-American Activities Committee and so often figures in loyalty-security cases?

Passport "Believe It or Nots"

In one passport case before the Court of Appeals here in the District of Columbia (Walter Briehl vs. John Foster Dulles), one of the "charges" against a distinguished Los Angeles psychiatrist is that many years ago he wrote an article, "Environment and Neurosis" for the magazine Social Work Today. The State Department Hearing Officer admitted he had never read the article or even seen a copy of the magazine.

In another passport appeal, that of Rockwell Kent, one of the allegations against the famous artist is that he once laid a wreath on the grave of John Reed in Moscow. The "evidence" against Kent seems chiefly to consist of his autobiography. "At the informal hearing," says the appeal petition, "no witness appeared to testify against appellant. The [State] Department offered his recent autobiography, 'It's Me, O Lord', into evidence, over an objection by appellant's counsel that the contents of the book were not relevant to Mr. Kent's right to travel."

In a third case, that of Weldon Bruce Dayton, a young physicist who has sworn that he has never been a Communist, was refused a passport to accept a position at the Tata Institute in India, doing cosmic ray research which is neither classified nor secret. One of the charges against him is that he "is alleged to have been present on more than one occasion" in an apartment which "has been said to have been used by Julius Rosenberg." It is not alleged that he was there when Rosenberg was, or that he knew Rosenberg. Dayton swears that the only time he was ever in that particular apartment is when he visited it with FBI agents in June, 1951, at their request.

The Basic Issue in Paul Robeson's New Passport Appeal to the Supreme Court

"The [non-Communist] affidavit requirement has become in recent months a matter of national concern because under the [State] Department's new passport procedures every American citizen henceforth applying for a passport must execute an affidavit stating whether or not he is or ever has been a member of the Communist Party. Since a half million Americans apply annually for passports, this is a most extensive loyalty test. . . .

"This oath, like the regulations in toto, has a detrimental effect upon the exercise of the First Amendment rights, quite aside from the fact that they punish persons for having exercised such rights. Citizens who desire to travel must henceforth be cautious in the exercise of their First Amendment rights in order not to be disqualified under the Department's board standards, and to avoid a criminal prosecution for a false statement after executing such an affidavit. The variety of evidence which is used today to prove membership in the Communist Party justifies this caution. See, for example . . . the list of indicia of Party membership in the Communist Control Act of 1954."

—Paul Robeson vs. John Foster Dulles, petition for certiorari just filed in the U. S. Supreme Court.

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Brownell Finds Himself A Target of His Own Kind of Tactics

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man's vote on a specific measure may not have been the result of some occult and unseen conspiracy. It can translate the legislative process as well as the elective process into the kind of melodrama with which the right has poisoned other areas of American life. This would be the ultimate and real subversion of constitutional processes.

No One Looks At The Record

The Javits case is fantastic, and could be taken seriously only in an atmosphere poisoned by cold war demonology. Here is a man who has been a member of Congress for eight years and Attorney General of the State of New York for two. Ten years of public action lie open on the record with which to judge him. Only paranoiacs would dismiss all this to concentrate on whether he took one or more ferry boat rides across San Francisco Bay in 1945 with Frederick V. Field, and exgurgitate the fine filaments linking him with a woman who entertained a visiting Soviet celebrity who came as representative of the Ukraine but was *really* head of the Comintern, though it had supposedly been dissolved some years before. Only fanatics and lunatics, or unscrupulous manipulators of distrust and fear, would engage in collecting the kind of feeble and tenuous associational material in which Javits found himself enmeshed at that hearing.

And what a hearing! Here a man's political future and honor were at stake. Yet all he was given were summaries of what others had said about him. He did not see or hear them, much less have a chance to cross-examine them through counsel. From time to time Morris called on Mandel, the Committee's research chief, a former business manager of the *Daily Worker,* to read into the record summaries of the careers of persons named. These, as Javits protested at one point and Eastland agreed, created unfair confusion; people it was not alleged Javits had ever met had their suspect biographies detailed. At one joint even Morris cut off Mandel when he was giving the birthplace in Russia of a Soviet Consul in wartime San Francisco who is alleged to have been a friend of the woman Javits met. And in this atmosphere the recollections of ex-Communists were taken as gospel truth while the inability of the witness to recall any such meetings or conversations after more than a decade were suspect as self-protection. And nowhere was there anything concrete except that Murray Baron—and his role here is peculiar— says that in 1948 as well as in 1946, Javits suggested the possibility of getting American Labor Party support in his campaigns for Congress.

His Real Political Crimes

Congressman Judd in his letter to Javits said he knew of no one in Congress who had been "more intelligently anti Communist." This touches the core of the attack on Javits. His real crime is his liberalism. At the press conference in New York the day before the Eastland hearing, Fred Woltman, the *World-Telegram's* expert on Communism, questioned Javits about two "complaints" (as Woltman phrased it). One was that he had voted against appropriations for the House Un-American Activities Committee and the other was that he had been against Franco Spain but not Soviet Russia. Another of the Javits political crimes is that he was one of the few in Congress who voted to uphold Truman's veto of the McCarran Internal Security Act. This alone is enough to damn him.

The rightist Republicans are striking through Javits at the Eisenhower wing of the party; this is a continuation of the struggle which McCarthy lost to give the reactionaries control of the party. Brownell, who is an ally of Javits and issued a statement dismissing the charges against him, is also in the line of fire. There is a rich irony in this. For the Internal Security Committee is now giving Brownell and his friends a taste of the same medicine Brownell dished out to Truman. This investigation of Javits is a lineal descendant of the kind of tactics Brownell adopted when he used this same committee as his forum in 1954 for his unfair attack on the late Harry D. White and through White on Truman and the Democratic party. "Warmed over spy" is the menu Jenner then proclaimed for the Democrats in the next election; Brownell must now sup on the same kind of canard in Javits's case; he must either stand and fight or abandon Javits and with it the chances of electing a Republican to succeed Lehman in the Senate.

Next Week: What The Press Overlooks in Jeering at Truman's Defense of Harry White

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